

BEFORE THE ARIZONA VETERINARY MEDICAL EXAMINING BOARD

IN THE MATTER OF:

ADAM STAERKEL, CVT

Holder of Certificate No. V2018
In the State of Arizona,

Respondent.

) Case No.: 19-92

)
) CONSENT AGREEMENT
) FINDINGS OF FACT
) CONCLUSIONS OF LAW
) AND ORDER
)
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)

In the interest of a prompt and judicious settlement of the above captioned matter before the Arizona State Veterinary Medical Examining Board ("Board") and consistent with the public interest, statutory requirements and responsibilities of the Board, and pursuant to A.R.S. §32-2201 et. seq. and A.R.S. § 41-1092.07 (F)(5), the undersigned party, Adam Staerkel, CVT ("Respondent"), holder of certificate No. V2018 in Arizona and the Board enter into this Consent Agreement, Findings of Fact, Conclusion of Law and Order ("Consent Agreement") as final disposition of this matter.

CONSENT AGREEMENT

Respondent understands and agrees that:

1. The Board has jurisdiction over Respondent and the subject matter pursuant to A.R.S. §32-2201, et. seq.

2. Respondent has the right to consult with an attorney prior to entering into this Consent Agreement. Respondent has a right to a public hearing concerning this case. He further acknowledges that at such hearing he could

1 present evidence and cross-examine witnesses. Respondent irrevocably waives
2 his right to such a hearing.

3 3. Respondent irrevocably waives any right to rehearing or review or to
4 any judicial review or any other appeal of these matters.

5 4. The Consent Agreement, once approved by the Board and signed by
6 the Respondent, shall constitute a public record, which may be disseminated
7 as a formal action of the Board. Sufficient evidence exists for the Board to make
8 the Findings of Fact and Conclusions of Law set forth in the Consent
9 Agreement.

10 5. Respondent acknowledges and understands that this Consent
11 Agreement will not become effective until the Board approves it and it is signed
12 by the Board's Executive Director. Respondent acknowledges and agrees that
13 upon signing and returning this Consent Agreement to the Board's Executive
14 Director, Respondent may not revoke his acceptance of the Consent
15 Agreement or make any modifications to the document, regardless of whether
16 the Consent Agreement has been issued by the Executive Director.

17 6. If any part of the Consent Agreement is later declared void or
18 otherwise unenforceable, the remainder of the Order in its entirety shall remain
19 in force and effect.

20 7. Respondent acknowledges that any violation of this Consent
21 Agreement constitutes unprofessional conduct pursuant to A.R.S. § 32-2249 (A)
22 (2) and may result in disciplinary action pursuant to A.R.S. § 32-2249 (A) (1).

23 8. This Consent Agreement and Order is effective on the date signed by
24 the Board.
25

1
2 DATED this 21st day of September 2019.

3
4 
5 Adam Staerkel, CVT

6
7 **FINDINGS OF FACT**

8 1. The Board is the duly constituted authority for the regulation and control of
9 certificate veterinary technicians in the State of Arizona.

10 2. Respondent holds certificate No. V2018 in the State of Arizona.

11 3. On June 3, 2019, the Board received Respondent's request for
12 reinstatement of his certified veterinary technician certificate. Upon review of
13 the reinstatement application it was noted that two DUI charges (while residing
14 in Wisconsin) from 2006 and 2007 were disclosed. Upon review of Respondent's
15 original certified veterinary technician applications, these charges were not
16 previously reported as required. The original applications were received in 2015
17 and 2016.

18 4. At the June 19, 2019 Board meeting, the Board voted to reinstate
19 Respondent's veterinary technician certificate and open an investigation for
20 failure to disclose criminal charges on two certified veterinary technician
21 applications.

22 5. On June 24, 2019, a Letter of Inquiry was sent to Respondent giving him 15
23 days to respond to the investigation.

24 6. On July 17, 2019, Respondent called the Board office stating he was
25 having difficulty getting the requested documents from the police

1 department/court house but should be getting the information that day or the
2 next. He advised he would be emailing the documents and his response to the
3 Letter of Inquiry upon receipt of the information. Respondent was advised at
4 that time that the Board would review the matter on August 21, 2019.

5 7. On July 26, 2019, since a response had not been received from
6 Respondent, a message was left on his voicemail with a return phone number
7 and email address. No return call was received.

8 8. On July 29, 2019(4:45pm), no response from Respondent regarding the
9 investigation; therefore, another call was placed and a voicemail was left
10 requesting Respondent to call back.

11 9. On July 30, 2019, Respondent emailed his response to the Letter of Inquiry
12 and police records for one of the two incidents. Respondent stated in his
13 narrative that he was only able to obtain records for the 2006 incident in the
14 timeframe allotted. Respondent took an additional 21 days to respond to the
15 investigation and did not request additional time, if needed, to obtain the
16 incident report from 2007.

17 10. In Respondent's narrative, he stated the reason why he did not report
18 the criminal charges on his applications may have been that he was rushing to
19 meet the deadline to submit the applications, as the application process was
20 more difficult for him than the actual State exam.

21 11. Respondent's application receipt dates and deadline dates were:

22 a. Respondent's application received: 4/6/15

23 Deadline: 6/4/15

24 *Application was not completed and expired.
25

b. Respondent's second application received: 1/19/16

Deadline: 2/03/16

12. Respondent further stated that it is possible that he dismissed the question on the applications regarding the charges since they happened long ago and are irrelevant to him and who he is as a person today.

13. In an email to the Board, he stated he was given 30-days time served for being enrolled in a residential treatment program during his court date in 2007. Afterwards, he relocated to Arizona for continued mental health therapy, which continues to benefit his life currently.

14. Respondent let his certificate lapse during the 2019 – 2020 renewal cycle. His renewal application was returned to the Board office due to insufficient address. On December 18, 2018, the renewal was emailed to him; no response was received. The Board office did not receive Respondent's updated address information until his reinstatement request was received June 3, 2019.

CONCLUSIONS OF LAW

15. The Findings of Fact constitute a violation of **A.R.S. § 32-2249 (A) (2) (a)** for deception in obtaining certification.

16. The Findings of Fact constitute a violation of **A.R.S. § 32-2249 (A) (2) (f)** as it relates to **A.A.C. R3-11-107 (B)** for failure to notify the Board within 20 days after a change of residence.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is **ORDERED** that Respondent, certificate No. V2018, be placed on **PROBATION** for

a period of **one (1) year**, subject to the following terms and conditions that shall be completed within the Probationary period. These requirements include four (4) hours of continuing education (CE) and a civil penalty as detailed below:

1. Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS ORDERED THAT** Respondent shall provide written proof satisfactory to the Board that he has completed **four (4) hours of continuing education (CE)** in addition to the existing continuing education required to renew a certificate. Respondent shall satisfy these four (4) hours by attending CE in the area of **ethics**. Respondent shall submit written verification of attendance to the Board for approval prior to the end of the Probationary period.

2. **IT IS FURTHER ORDERED** that Respondent pay a civil penalty of **two hundred and fifty dollars (\$250.00)**, \$125 per violation, in the form of a **cashier's check, certified check, or money order** made payable to the Arizona Veterinary Medical Examining Board on or before the end of the Probationary period.

3. Respondent shall submit to the Board a written outline regarding how he plans to satisfy the requirement in paragraph 1 for its approval within sixty (60) days of the effective date of this Consent Agreement. All continuing education to be completed for this Consent Agreement shall be pre-approved by the Board. The outline shall include **CE course** details including, **name, provider, date(s), hours of CE** to be earned, and **a brief course summary**.

4. Respondent shall obey all federal, state and local laws/rules governing certificate holders in this state.

5. Respondent shall bear all costs of complying with this Consent Agreement.

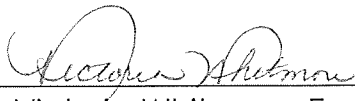
6. This Consent Agreement is conclusive evidence of the matters described and may be considered by the Board in determining an appropriate sanction in the event a subsequent violation occurs. In the event Respondent violates any term of this Consent Agreement, the Board may, after opportunity for Informal Interview or Formal Hearing, take any other appropriate disciplinary action authorized by law, including suspension or revocation of Respondent's certificate.

ISSUED THIS 11th DAY OF October, 2019.

FOR THE BOARD:

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

Jim Loughhead, Chairperson

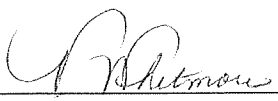
By 
Victoria Whitmore, Executive Director

Original of the foregoing filed
This 11th day of October 2019 with:

Arizona State Veterinary Medical Examining Board
1740 W. Adams St, Ste. 4600
Phoenix, Arizona 85007

Copy of the foregoing mailed by Certified, return receipt mail
This 11th day of October, 2019 to:

Adam Staerkel, CVT
Address on file
Respondent

By: 
Board Staff